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Attorneys for Non-Party NVIDIA Corporation

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EPIC GAMES, INC.,

Plaintiff/Counter-Defendant,

v.

APPLE INC.,

Defendant/Counterclaimaint.

Case No. 4:20-CV-05640-YGR

**DECLARATION OF MARC DAVID
PETERS IN SUPPORT OF NON-PARTY
NVIDIA'S ADMINISTRATIVE MOTION
TO SEAL PORTIONS OF TRIAL
EXHIBITS AND TESTIMONY**

1 I, Marc David Peters, declare as follows:

2 1. I am an attorney at the law firm of Turner Boyd LLP, counsel to NVIDIA
3 Corporation, which is not a party to the above-captioned case, and a member in good standing of the
4 State Bar of California. I am familiar with the facts set forth herein and, if called to testify, could
5 and would competently testify thereto under oath.

6 2. Pursuant to Local Rule 79-5, I submit this declaration in support of NVIDIA's
7 Administrative Motion to Seal Portions of Trial Exhibits and Testimony.

8 3. On Monday, April 26, 2021, I spoke with counsel for Epic Games regarding
9 NVIDIA's motion. Epic's counsel stated that Epic does not oppose the NVIDIA's motion to seal
10 information regarding NVIDIA's non-public future plans or specific, non-public numbers regarding
11 GeForce NOW costs, server capacities, and user base (such as that identified in PX-2480/DX-3554,
12 PX-0729, and PX-0728) and to close the courtroom for the limited time if or when such detailed
13 information is elicited from Mr. Aashish Patel at trial.

14 4. On Tuesday, April 27, 2021, I spoke with counsel for Apple regarding NVIDIA's
15 motion. Apple's counsel stated that Apple could not say at this time whether it would oppose
16 NVIDIA's motion. Given that trial in this matter is set to begin in six days, I thought it prudent to
17 file the motion to bring the issue to the Court's attention as soon as possible, knowing that Apple
18 will have the opportunity to file an opposition, if any, within the time allotted by Civil Local Rule 7-
19 11(b).

20
21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct to the best of my knowledge and that this Declaration was executed this 27th day of
23 April, 2021 in Mountain View, California.

24
25 /s/ Marc David Peters
26 Marc David Peters
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